

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Lazaro Despaigne Borrero,

Civil 08-5402 DSD/FLN

Plaintiff,

v.

O R D E R

City of St. Paul, Police Department,
et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated November 5, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's second application for leave to proceed *in forma pauperis* and for appointment of counsel [#4] is DENIED; and
2. This action is summarily DISMISSED WITHOUT PREJUDICE.

DATED: December 2, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court